

CHAPTER 28:06

LOCAL AUTHORITIES (ELECTIONS) ACT 1990

ARRANGEMENT OF SECTIONS

SECTION

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AN ACT to amend the provisions of the Local Authorities (Elections) Act in respect of certain matters as they relate to the municipal councils in and for the City of Georgetown, the Town of New Amsterdam and the other towns. 10 of 1990

[4TH JUNE, 1990]

1. This Act may be cited as the Local Authorities (Elections) Act 1990. Short title.
2. The amendments made by this Act in the Principal Act shall apply only in respect of the application of the Principal Act to the municipal councils in and for the City of Georgetown, the Town of New Amsterdam and the towns, and, in relation to any such municipal council, if there is any inconsistency between any provision of the Principal Act and of this Act the provisions of this Act shall prevail. Application and overriding effect.

3. (1) In this Act—

Interpretation.

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“Chairman” means the Chairman of the Commission;

“Commission” means the Elections Commission established by article 161 of the Constitution;

“council” means a municipal council in and for—

- (i) the City of Georgetown;
- (ii) the Town of New Amsterdam; or
- (iii) any town;

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“Principal Act” means the Local Authorities (Elections) Act;

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“town” means a town established under section 33 of the Municipal and District Councils Act.

(2) Expressions used in this Act but not defined herein, and defined in the Principal Act, shall have the same meanings as in that Act.

Amendment of
the Principal
Act.

4. (1) Except as otherwise provided in this Act, the functions conferred on the Minister by the Principal Act shall, with effect from the date on which this Act comes into operation and so far as they relate to councils, be performed by the Commission, and accordingly references to the Minister in the Principal Act shall be construed as references to the Commission.

(2) The functions conferred by subsection (1) on the Commission shall be exercised and discharged through the Chairman of the Commission or through any person authorised in writing by the Chairman in this behalf.

(3) Without prejudice to the provisions of subsection (2), all communications and instruments from or made by the Commission shall be issued or made under the signature of the Chairman or any person authorised in writing by the Chairman in this behalf and all communications to the Commission shall be addressed to the Chairman.

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(4) There shall be such employees of the Commission as are considered by the Commission to be necessary for the purpose of the exercise and discharge of the functions conferred on the Commission by this Act—

- (a) designated by the Commission on such terms and conditions as it deems fit, with the consent of the appropriate authority, from among persons holding appointments in the public service; or
- (b) appointed from among persons who had held appointments in the public service and had retired or resigned therefrom,

and such designation or appointment shall be only for such duration as is necessary for such purpose.

(5) The expenses incurred by the Chairman, or with his approval, for or in connection with the exercise and discharge of the functions conferred on the Commission by this Act (including the payment of emoluments of persons designated or appointed under subsection (4)), shall be paid out of the funds provided by Parliament.

(6) This section shall not apply to the functions conferred on the Minister by sections 38(2), 198 and 205 of the Principal Act.

(7) In subsection (4) “appropriate authority”, in relation to any person holding an appointment in the public service, means the authority vested by law with power to appoint him in the public service.

5. (1) Except to the extent that jurisdiction in that behalf has been conferred by any written law, no question whether any function conferred on the Commission or any of its members by this Act or the Principal Act has been exercised or discharged validly or at all shall be enquired into in any court.

(2) No evidence of any deliberations of the Commission, or communications between members of the Commission, regarding its business under this Act or the Principal Act shall be admissible in any court.

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Exercise of
functions of
Chief Election
Officer and
supervision by
Commission.

6. (1)The functions conferred on the Chief Election Officer by the Principal Act in respect of any council, shall be exercised and discharged by him subject to the general direction and supervision of the Commission acting through the Chairman and, except as otherwise directed by the Commission, after consultation with the Commission.

(2)The Commission may, through the Chairman, issue such instructions and take such action as appear to it necessary or expedient to ensure impartiality, fairness and compliance with this Act, or Parts II and III of the Principal Act so far as they relate to councils, on the part of persons exercising or discharging functions connected with, or relating to, the registration of voters for the purpose of elections to councils or the conduct of such elections, and all such persons shall promptly comply with the instructions.

Date of
election.

7. (1)Except as otherwise provided in this section, and subject to section 36 of the Principal Act as amended by this Act—

(a)the first election after the commencement of this Act to choose the members of the existing councils shall be held on the first Monday in December 1992 and thereafter elections to choose the members of the existing councils shall be held on the first Monday of the third December after the date of the immediately previous election;

(b)the first election to choose the members of any other council shall be held on such date as may be determined by the Minister by order, the second election to choose the members of any such council shall be held on the day on which elections to choose the members of the existing councils are to be held, under this section, next after the first election referred to in this paragraph, and every subsequent election to choose the members of any such council shall be held on the first Monday of the third December after the date of the immediately previous election.

(2)Where the day on which an election to choose the members of a council is to be held under subsection (1) is a public holiday, the election shall be held on the day following that public holiday, or any public holiday or holidays immediately following that public holiday.

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(3) If the date on which an election to choose the members of a council is to be held under subsection (1) or (2) falls within one month before or after the date fixed for holding an election of the members of the National Assembly referred to in article 60(2) of the Constitution, the election to choose the members of the council shall be held on the first Monday of the third month after the month in which the election to the National Assembly is held, and if such first Monday is a public holiday the provisions of subsection (2) shall apply:

Provided that such postponement of an election shall not affect the date on which the next election to choose the members of the council shall be held.

(4) Subject to section 36 of the Principal Act as amended by this Act, references in that Act to “election day”, shall, in relation to a council, be construed as the day fixed by or under this section as the day on which any election to choose the members of that council shall be held.

(5) In this section “existing council” means a municipal council in and for—

- (i) the City of Georgetown;
- (ii) the Town of New Amsterdam; or
- (iii) the towns of Corriverton, Linden or Rose Hall.

8. Any person who contravenes section 6(2) shall be guilty of an offence and shall be liable, on summary conviction, to a fine of fifteen thousand dollars and imprisonment for six months. Penalties. [6 of 1997]

9. (1) If any difficulty arises in connection with the application of the Principal Act as amended by this Act, or any of the provisions of this Act, the Minister may, on the advice of the Commission, by order, make any provision that appears to him to be necessary or expedient for removing the difficulty. Removal of difficulties.

(2) Any such order may modify this Act or the Principal Act in respect of any particular matter or occasion so far as may appear to the Minister to be necessary or expedient for removing the difficulty.

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(3) Any order under subsection (1) shall be subject to negative resolution of the National Assembly and shall not be made after the expiry of three years from the commencement of this Act .

END of Cap 28:06 Local Authorities (Elections) 1990 [Label LA1]